

ASSEMBLY BILL

No. 2521

Introduced by Assembly Member Blumenfield
(Coauthor: Senator Price)

February 24, 2012

An act to amend Sections 1984 and 1988 of the Civil Code, relating to landlord and tenant.

LEGISLATIVE COUNSEL'S DIGEST

AB 2521, as introduced, Blumenfield. Landlord and tenant: personal property remaining on premises after termination of tenancy.

Existing law provides that where personal property remains on the premises after a tenancy has terminated and the premises have been vacated by the tenant, the landlord shall give written notice to the tenant, as specified. Existing law provides a sample notice that complies with this requirement, and which provides, in part, that the statement "Because this property is believed to be worth less than \$300, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above" or an alternative statement be used in the notice.

This bill would modify one of the statements in the notice to read, "Because this property is believed to be worth less than \$700, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above."

Existing law provides that if the property is not released to the former tenant, as specified, it shall be sold at public sale by competitive bidding. Existing law also provides that if the landlord reasonably believes that the total resale value of the property not released is less than \$300, the

landlord may retain the property for his or her own use or dispose of it in any manner.

This bill instead would provide that the landlord may retain the property for his or her own use or dispose of it in any manner if the landlord reasonably believes that the total resale value of the property not released is less than \$700.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1984 of the Civil Code is amended to
2 read:
3 1984. (a) A notice given to the former tenant which is in
4 substantially the following form satisfies the requirements of
5 Section 1983:

Notice of Right to Reclaim Abandoned Property

To: _____
(Name of former tenant)

(Address of former tenant)

When you vacated the premises at _____

_____,
(Address of premises, including room or apartment number, if any)
the following personal property remained:

(Insert description of the personal property)

You may claim this property at _____

_____.
(Address where property may be claimed)

Unless you pay the reasonable cost of storage for all the above-described property, and take possession of the property which you claim, not later than _____ (insert date not less than 15 days after notice is personally delivered or, if mailed, not less than 18 days after notice is deposited in the mail) this property may be disposed of pursuant to Civil Code Section 1988.

(Insert here the statement required by subdivision (b) of this section)

Dated: _____
(Signature of landlord)

(Type or print name of landlord)

(Telephone number)

(Address)

(b) The notice set forth in subdivision (a) shall also contain one of the following statements:

(1) “If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the cost of storage, advertising, and sale is deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within one year after the county receives the money.”

1 (2) “Because this property is believed to be worth less than ~~\$300~~
2 \$700, it may be kept, sold, or destroyed without further notice if
3 you fail to reclaim it within the time indicated above.”

4 SEC. 2. Section 1988 of the Civil Code is amended to read:

5 1988. (a) If the personal property described in the notice is
6 not released pursuant to Section 1987, it shall be sold at public
7 sale by competitive bidding. However, if the landlord reasonably
8 believes that the total resale value of the property not released is
9 less than ~~three~~ seven hundred dollars (~~\$300~~) (\$700), the landlord
10 may retain ~~such~~ the property for his or her own use or dispose of
11 it in any manner. Nothing in this section shall be construed to
12 preclude the landlord or tenant from bidding on the property at the
13 public sale.

14 (b) Notice of the time and place of the public sale shall be given
15 by publication pursuant to Section 6066 of the Government Code
16 in a newspaper of general circulation published in the county where
17 the sale is to be held. The last publication shall be not less than
18 five days before the sale is to be held. The notice of the sale shall
19 not be published before the last of the dates specified for taking
20 possession of the property in any notice given pursuant to Section
21 1983. The notice of the sale shall describe the property to be sold
22 in a manner reasonably adequate to permit the owner of the
23 property to identify it. The notice may describe all or a portion of
24 the property, but the limitation of liability provided by Section
25 1989 does not protect the landlord from any liability arising from
26 the disposition of property not described in the notice, except that
27 a trunk, valise, box, or other container which is locked, fastened,
28 or tied in a manner which deters immediate access to its contents
29 may be described as such without describing its contents.

30 (c) After deduction of the costs of storage, advertising, and sale,
31 any balance of the proceeds of the sale which is not claimed by
32 the former tenant or an owner other than such tenant shall be paid
33 into the treasury of the county in which the sale took place not
34 later than 30 days after the date of sale. The former tenant or other
35 owner may claim the balance within one year from the date of
36 payment to the county by making application to the county
37 treasurer or other official designated by the county. If the county
38 pays the balance or any part thereof to a claimant, neither the

- 1 county nor any officer or employee thereof is liable to any other
- 2 claimant as to the amount paid.

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